

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Termination of Probation of:)

KENNETH P. BURREN, M.D.)

OAH No. L-61808

Petitioner.)
_____)

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on February 9, 1994.

IT IS SO ORDERED February 9, 1994.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Theresa J. Claassen

btm

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)	
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of:)	
)	No. L-61808
KENNETH P. BURRET, M.D.)	
)	
Petitioner)	
)	
)	
)	

PROPOSED DECISION

This matter was heard by Humberto Flores, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on November 23, 1993. Cindy Lopez, Deputy Attorney General, represented the Department of Justice. Respondent appeared personally and was represented by Albert M. Sheppard, Attorney at Law.

Oral and documentary evidence was received and the matter was submitted. The Administrative Law Judge finds the following facts:

I

On July 13, 1972, the Board issued Physicians and Surgeon's License No. G 22673 to Kenneth Burrett M.D. (petitioner).

II

On July 22, 1988, an Accusation was filed against petitioner charging that petitioner's license was subject to discipline under Business and Professions Code sections 2227 and 2234. Pursuant to a Decision which became effective October 31, 1990, petitioner's license was revoked, however said revocation was stayed, and petitioner was placed on probation for five (5) years on certain terms and conditions. In that Decision the Board found that petitioner abandoned his practice in the State of Colorado in 1987, without properly informing his patients of his impending move to California.

III

On April 29, 1993, petitioner filed the pending application for termination of probation.

IV

Since the imposition of discipline over three years ago, petitioner has continued to successfully perform all conditions of probation. Although petitioner has long ago completed the community service requirement imposed as part of his discipline, he continues to serve as a board member for the American Red Cross. Petitioner also devotes time to the Heart Association and a local disaster relief organization. Finally, petitioner been on the Masters Thesis Committee for the Department of Human Performance at California Politechnical University, Pomona.

V

Petitioner's competency as a neurosurgeon has never been questioned. He has attended and completed numerous medical educational programs and is actively involved in a variety of local and national medical organizations.

VI

Since establishing himself in the San Bernardino area, petitioner has held a position as Chief of Neurosurgery at the San Bernardino County Medical Center, and in 1989, petitioner started his own private medical practice in Montclair, California. During that time, he has performed over 500 surgeries and has developed a new technique in Micro Laser Distectomy. This new technique reduces the level of tissue damage from the surgery. Petitioner has worked hard to regain respect in the medical community, and despite his probationary status, petitioner is highly regarded by medical professionals in the San Bernardino area.

VII

Based on all of the evidence, and on petitioner's demeanor and compelling testimony at the hearing, the Administrative Law Judge finds that petitioner is completely rehabilitated. Petitioner has learned his lesson, and through hard work and determination, he has reemerged from a personal and professional setback to earn confidence and respect from his colleagues and peers.

The objective of the discipline imposed three years ago has been attained. The public would in no way be harmed if probation is terminated.

* * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Grounds for termination of probation exist for the reasons set forth in findings IV, V, VI and VII.

* * * *

ORDER

The Petition of Kenneth P. Burres M.D., for termination of probation, is hereby granted.

DATED: December 31, 1993

Humberto Flores

HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings